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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

OSCAR A. BARON,

Defendant and Appellant.

B206154

(Los Angeles County
Super. Ct. No. BA331289)

THE COURT:*

Oscar A. Baron (appellant) appeals from the judgment entered following a jury trial that resulted in his conviction of one count of attempting to evade a peace officer by driving recklessly in violation of Vehicle Code section 2800.2, subdivision (a). The trial court sentenced appellant to the low term of 16 months in prison. We appointed counsel to represent appellant on this appeal.

After examination of the record, counsel filed an “Opening Brief” containing an acknowledgment that he had been unable to find any arguable issues. On November 14, 2008, we advised appellant that he had 30 days within which to personally submit any

* DOI TODD, Acting P. J., ASHMANN-GERST, J., CHAVEZ, J.

contentions or issues that he wished us to consider. No response has been received to date.

The evidence at trial showed that appellant led police on a high-speed chase on September 1, 2007, between 1:00 and 2:00 a.m. Officers Ramiro Durazo and Ruben Robles saw a tan Mazda traveling at over 100 miles per hour on the freeway. Officer Durazo activated the red light and the driver's side spotlight on his patrol car. Officer Robles instructed the driver to get off the freeway by means of the public address system on the patrol car. The Mazda continued past the next off-ramp. Officer Durazo activated the rotating overhead lights on the light bar while traveling two car lengths behind the Mazda in light traffic. The officers then activated the siren. The Mazda exited the freeway and failed to stop at a stop sign. As the police followed through surface streets, the lights of the Mazda were turned off and the car continued to travel at approximately 75 miles per hour.

The Mazda got back on the freeway and drove on the shoulder, overtaking other cars. In traffic lanes, it resumed speeds of 100 to 110 miles per hour. The Mazda left the freeway again and drove through a residential area at speeds of 70 to 100 miles per hour. A helicopter joined the pursuit and lit up the Mazda. The Mazda went through a red light at approximately 100 miles per hour. Eventually there were four police cars behind the Mazda as it continued traveling at high speeds. Police cars had to swerve to avoid a head-on collision with the Mazda after it made a U-turn. The Mazda finally drove onto a front lawn and stopped. The driver, appellant, was arrested. Officer Durazo detected the odor of alcohol emanating from appellant. Officer Durazo testified that he and his partner were in uniform and in a marked police vehicle.

Appellant testified that he did not know that the police were chasing him, and he did not hear anything because he was listening to the radio. He was driving at the speed limit. Toward the end, he thought the officers might be trying to pull him over. He began to look for a McDonald's where he could stop. He heard no helicopter. The officers removed his wallet and Officer Durazo took a check from appellant's wallet for

\$1,500. Appellant said the officers mocked him. He had drunk very little that day and was sober.

The record supports a determination that a rational trier of fact could have found the essential elements of the charged crime beyond a reasonable doubt. (*People v. Cunningham* (2001) 25 Cal.4th 926, 1010.) We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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